



07-28-09

Ifw

Express Mail No.:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: De Jong et al.

Confirmation No.: 8309

Serial No.: 10/722,045

Art Unit: 1648

Filed: November 25, 2003

Examiner: Hill, Myron G.

For: A VIRUS CAUSING RESPIRATORY TRACT
ILLNESS IN SUSCEPTIBLE MAMMALS

Attorney Docket No.: 7682-108-999

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ViroNovative BV is the assignee of the entire right, title and interest in and to the above-identified application. The above-identified application is a continuation of the U.S. Application No. 10/466,811 ("811 Application").

ViroNovative BV is the assignee of the entire right, title and interest in and to U.S. Application No. 10/466,811 ("811 Application") by virtue of an assignment from Jan Cornelius De Jong, Ronaldus Adrianus Maria Fouchier, Bernadetta Gerarda Van Den Hoogen, Albertus Dominicus Marcellinus Erasmus Osterhaus, and Jan Groen to ViroNovative BV. The assignment was recorded on March 4, 2004, at Reel 015040, Frame 0376.

ViroNovative BV hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent granted on the '811 Application and hereby agrees that legal title to any patent so granted on the above-identified application patent shall be the same as the legal title to any patent granted on the '811 Application.

ViroNovative BV further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of any patent granted on the '811 Application in the event that either patent later: expires for failure to pay a

07/28/2009 HVUONG1 00000053 503013 10722045

01 FC:1814 140.00 DA

NYI-4177113v1

30/June/2009

maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title states above.

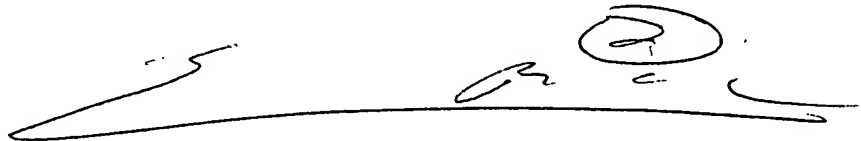
The undersigned hereby confirms that he is authorized to act on behalf of the assignee, ViroNovative BV.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A fee of \$140.00 is believed to be due under C.F.R. 1.20(d) for the submission of this terminal disclaimer. Please charge this fee, and any other fee that may be required, to Jones Day Deposit Account No. 50-3013.

Signed this DRAFT day of June 30th, 2009.

By: _____

A handwritten signature in black ink, appearing to read 'Eric Claassen', is written over a horizontal line. The signature is stylized with a large initial 'E' and a circular flourish at the end.

Name: Eric Claassen
Position: CEO of ViroNovative BV